

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BESTWAY INFLATABLES &
MATERIAL CORP.,

Plaintiff,

Case No. 20-cv-12002
Hon. Matthew F. Leitman

v.

JOHN/JANE DOE *et al.*,

Defendants.

ORDER (1) GRANTING TEMPORARY RESTRAINING ORDER, (2)
SCHEDULING PRELIMINARY INJUNCTION HEARING, (3)
PROHIBITING DISPOSITION OF ASSETS, (4) ORDERING
IMMEDIATE DISCOVERY

THIS MATTER comes before the Court at 12:57 p.m. on July 28, 2020, upon the motion of Plaintiff BESTWAY INFLATABLES & MATERIAL CORP. (“Bestway”). (*See* Mot., ECF No. 2.) The Court having read Plaintiff’s motion and Verified Complaint (*see* ECF No. 1), and being fully advised in the premises:

THE COURT FINDS THAT:

A. Bestway has demonstrated that it is likely to succeed on the merits of the claims alleged in the Verified Complaint.

B. Defendants are operating at least 8 websites that use one or more of Bestway’s registered trademarks in a manner that, among other things, infringes on those marks.

C. Bestway's reputation and goodwill are being irreparably damaged as a result of Defendants' conduct.

D. Bestway will risk serious and irreparable harm if Defendants are not immediately enjoined in accordance with this order.

E. Good cause exists to issue this order without notice to Defendants because the identity of the Defendants is unknown and Bestway risks serious and irreparable harm in the time it takes to determine Defendants' identity/identities.

F. The balance of hardships favors Bestway, and issuing immediate injunctive relief is in the public's best interests.

G. Injunctive relief will preserve the status quo.

H. The Court exercises its discretion and declines to require Bestway to post a bond given the short duration of this order, the strength of Bestway's initial showing, and the apparent balance of the equities.

I. Freezing the PayPal account associated with the infringing websites is necessary to ensure a higher degree of likelihood that Bestway will be able to obtain an accurate accounting of Defendants' profits.

J. Good cause exists to permit Bestway to engage in immediate discovery in order to try to discern the identity or identities of Defendants and the scope of Defendants' conduct.

THEREFORE, IT IS ORDERED THAT:

1. Defendants and each of their agents, servants, employees, attorneys, and any other persons who are in active concert or participation with any of them are prohibited from:

a) Using the “Bestway” name, using Bestway’s marks, including BESTWAY, COOLERZ, STEEL PRO, STEEL PRO MAX, H2OGO!, H2O GO, HYDRO FORCE, RAPID RIDER, FAST SET, or imitating Bestway’s marks, in connection with the offering for sale or advertising of any products;

b) Engaging in any action to pass off Defendants’ products or product offerings as Bestway products;

c) Engaging in further actions to interfere with Bestway’s rights in its marks or in damaging Bestway’s goodwill or reputation;

d) Continuing to operate the following websites, and any similar sites containing content that infringes on Bestway’s marks:

i. www.hiramshop.space

ii. <https://lennonshop.space>

iii. www.boradshop.space

iv. www.containshop.space

v. www.kyleshop.space

vi. www.ffshop.space

vii. www.fnshop.space

viii. www.annalsj.xyz

2. Defendants and each of their agents, servants, employees, attorneys, and any other persons who are in active concert or participation with any of them are prohibited from removing any funds from the PayPal accounts associated with the e-mail addresses nkioko5607@gmail.com, seashop.space@outlook.com, or any other account used by the websites listed above including the accounts described as follows:

<u>Merchant</u>	<u>Appears on Statement As:</u>
阳曲县浩薇兴商贸有限公司 ("Yangqu County Haoweixing Trading Company")	PayPal*YANGQUXIANH
常州市旭腾塑业科技有限公司 ("Changzhou Xuteng Plastic Technology Co., Ltd.")	
北京永军昌盛商贸有限公司 ("Beijing Yongjun Prosperity Trading Company")	PayPal*YONGJUNCHAN

3. Plaintiff is granted leave to engage in immediate discovery including issuing subpoenas to third parties.

4. Paragraphs 1 and 2 of this Order expire on **Tuesday August 11, 2020**, at **12:00 p.m.** unless extended by further order of this Court.

5. A hearing on Plaintiff's Motion for Preliminary Injunction (ECF No. 2) is scheduled for **Monday August 10, 2020** at **1:00 p.m.** The hearing will take place via Zoom. Information regarding the Zoom hearing will be placed on the docket and emailed to counsel of record prior to the hearing.

6. Service of this Order shall be accomplished by Plaintiff sending a copy of the Order to nkioko5607@gmail.com, seashop.space@outlook.com, and via First Class Mail to 14021 Lago Azul, Horizon City, TX 79928 and 267 Batterson Dr., New Britain, CT 06053. Plaintiff shall file a proof of service thereafter.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: July 28, 2020

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on July 28, 2020, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764